

numbering the newly-submitted claims at number 14. However, the Examiner has indicated that he wishes to renumber claims 14-23 as claims 12-21. Accordingly, Applicant will address the Examiner's rejections based upon the claims as renumbered by the Examiner as 12-21 and Applicant further assumes that all dependencies in the dependent claims have likewise been modified. Therefore, claims 12-21 remain in this application.

Initially, the Examiner has objected to the drawings, specifically Figures 1-4 and 7-10, stating that these drawings should be designated by a legend, such as "prior art", since only that which is old is illustrated. Please find attached hereto modified drawings that appropriately label all of Figures 1-4 and 7-10 as "Prior Art." Withdrawal of the objection and approval of the modified drawings is respectfully requested.

The Examiner has also objected to the disclosure, alleging that the brief description of Figure 2 is missing. Applicant respectfully disagrees since, although the Preliminary Amendment did not mention Figure 2, this was because its description was not meant to be modified from the originally-filed specification. Figure 2 is a side view of the package according to Figure 1, and the specification should read as such. Withdrawal of the Examiner's objection in this regard is respectfully requested.

The Examiner has rejected all of pending claims 12-21. Specifically, the Examiner has rejected claims 12-21 under 35 U.S.C. § 102(a) as being allegedly anticipated by Figures 3, 4 and 7-10 of the present application, which were admitted as prior art by the Preliminary Amendment. Further, claims 12-21 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 3,734,388 to Hopkins. In view of the following remarks, Applicant respectfully request reconsideration of these rejections.

Independent claim 12 of the present application is directed to a package of a flexible material, which has been formed into an envelope. The package includes an access opening, which is closed by means of a seal, which has been formed by bonding together two or

more contacting layers of the material in a particular area. The package can be opened by pulling apart two bonded-together layers of material in the area. Near the end of the bonded-together layers, the flexible material includes an engagement portion, and the portion of the seal area that is positioned closest to this engagement portion has a convex edge. Further, the engagement portion is positioned in the part of the package which is intended for enveloping the package product. Finally, the convex edge is directed inwardly.

Independent claim 20 is directed to a method for producing a package of a flexible material, wherein two or more contacting layers of the material are bonded together in a particular area in such a manner that the package can be opened by pulling apart the two bonded layers of material in an area by engaging the flexible material at the location of an engagement portion. The part of the area located closest to the engagement portion is provided with a convex edge, and the engagement portion is positioned in the part of the package which is intended for enveloping the package product. Further, the convex edge is directed inwardly.

Independent claim 21 is directed to a method for packaging a product. The product is enveloped with a flexible material and two or more contacting layers of the material are bonded together in a particular area in such a manner that the package can be opened by pulling apart the two bonded layers of material in an area by engaging the flexible material at the location of an engagement portion. The part of the area located closest to the engagement portion is provided with a convex edge, and the engagement portion is positioned in the part of the package which is intended to enveloping the packaged product. The convex edge is directed inwardly.

All of Figures 3, 4 and 7-10, which represents the prior art of record, illustrates a container 1, with a bottom 2, four upright walls 3 and a seal 4. In addition, layers of flexible material extend beyond the seal 4 and form "flaps" 7. These flaps 7 function as an engagement area for opening the package, which is done by engaging the flaps 7 with the fingers and pulling

in the direction of arrows 5 and 6. The embodiment shown in Figure 4 illustrates flaps 7 that are made of a continuous strip, which extends beyond the seal 4. Further, all of Figures 7-10 show embodiments of the container 1 that also includes these flaps 7. All of the containers 1 illustrated in Figures 3, 4 and 7-10 not only include the aforementioned flaps 7, but the seal 4 includes or has a convex shaped-edge that is directed outwardly. Therefore, the seal 4 illustrated in all of Figures 3, 4 and 7-10 “point” towards the, or are directed towards the, flaps 7.

The Hopkins patent is directed to an opening means for a tetrahedral container. As seen in Figure 1, the container 10 has two sealed ends 12 and 14 and a longitudinal seam 16. Sealed end 14 has a convex and angular (or V-shaped) shape. Also, as seen in Figures 1, 2 and 6-8, the flaps near longitudinal seal 16 have varied shapes. Still further, as seen in Figure 7, the sealed end can also assume an arcuate or curved shape. As with the embodiments of Figures 3, 4 and 7-10, as cited by the Examiner, all of the embodiments of the container 10 of the Hopkins patent include extending or projecting flaps, noted as region 18, which extend beyond the seal 14. Further, the seal 14 is outwardly convex in shape, meaning that the seal 14 “points” towards the flaps 16.

Referring to Figures 5 and 6 of the present application, the presently claimed package is illustrated. The package or container 1 of the present invention includes an engagement portion located on the flexible material of the package. The portion of the seal area 4 that is closest to the engagement portion is positioned in the part of the package 1 that is intended for enveloping the package product. In addition, the convex edge of the seal 4 is directed inwardly, or “points” towards the bottom 2 of the container 1. Therefore, the present invention does not include the flaps 7 of Figures 3, 4 and 7-10, nor the flaps or region 18 (which serves as flaps) as disclosed in the Hopkins patent.

When the engagement portion is positioned in the part of the package or container 1, which is intended for enveloping the package product, this makes it possible to release the seal

4 by using a minimum amount of flexible material. All that is required is sufficient flexible material present at the location of the engagement portion, in order to enable the user to take hold of it with his or her fingers. The package or container 1 of the present invention consists of one piece of flexible material. Such a package or container 1 is easier to produce and provides a stronger container after opening is performed. Further, additional inside area is provided for containing the material or product and the otherwise useless flaps are eliminated. This also reduces the costs in manufacturing the container 1 of the present invention. In addition, with respect to the orientation or inward direction of the convex seal 4, the shape is particularly adapted to allow engagement and disengagement of the seal 4 utilizing the engagement portion. Due to the shape, a minimum amount of force is required to begin the disengagement of the seal 4, which avoids container 1 tearing and improves ease of use.

Therefore, the embodiments of Figures 3, 4 and 7-10 as well as the Hopkins patent neither teach nor suggest a package having an engagement portion, where the portion of the seal area that is positioned closest to the engagement portion has a convex edge, wherein the engagement portion is positioned in the part of the package which is intended for enveloping the package product and wherein the convex edge is directed inwardly, all of which is specifically set forth in independent claim 1 of the present invention. These limitations, with respect to the positioning of the engagement portion and the shape and direction of the convex edge, are also present in independent claims 20 and 21. Therefore, neither the embodiments of Figures 3, 4 and 7-10 nor the Hopkins, nor any of the prior art of record, anticipate the presently claimed invention. For the foregoing reasons, independent claims 12, 20 and 21 are not anticipated by or rendered obvious over Figures 3, 4 and 7-10 or the Hopkins patent. Reconsideration of the rejection of independent claims 12, 20 and 21 is respectfully requested.


Claims 13-19 depend either directly or indirectly from and add further limitations to independent claim 12 and are believed to be allowable for the reasons discussed hereinabove

in connection with independent claim 12. Reconsideration of the rejections of claims 13-19 is respectfully requested.

For all the foregoing reasons, Applicant believes that claims 12-21 are patentable over the cited prior art and in condition for allowance. Reconsideration of the rejections and allowance of all pending claims 12-21 are respectfully requested.

Respectfully submitted,

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